



To the Honorable Council
City of Norfolk, Virginia

September 11, 2018

From: Leonard M. Newcomb III, CFM, Acting Planning Director *LMN*

Subject: **Rally's Restaurant**, for the following Conditional Use Permits at 1366 E. Little Creek Road:

- a. Restaurant operating after 12:00 a.m.
- b. Drive-through facility, large-scale

Reviewed: *[Signature]* Ward/Superward: 5/6

Wynter C. Benda, Chief Deputy City Manager

Approved: *[Signature]* Item Number: **C-8**
Douglas L. Smith, City Manager

I. **Staff Recommendation:** Approval.

II. **Planning Commission Recommendation:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** Conditional Use Permit to allow substantial improvements to an existing fast food restaurant with a commercial drive-through, and permit the restaurant to operate with extended hours.

IV. **Applicant:** Mission Foods, Inc.

V. **Description:** The site is located on the north side of E. Little Creek Road, west of Buffalo Avenue within the South Bayview neighborhood.

	Proposed
Hours of Operation	10:00 a.m. until 3:00 a.m., Sunday through Thursday 10:00 a.m. until 4:00 a.m., Friday and Saturday

VI. **Historic Resources Impacts:**

The site is not located within a federal, state, or local historic district.

Staff contact: Matthew Simons at (757) 664-4750, matthew.simons@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated August 23, 2018 with attachments
- Ordinance

City Planning Commission Public Hearing: August 23, 2018

Executive Secretary: Leonard M. Newcomb, III, CFM *LMN*

Staff Planner: Matthew Simons, AICP, CZA, CFM *M.S.*

Staff Report	Item No. 8	
Address	1366 E. Little Creek Road	
Applicant	Rally's Restaurant	
Request	Conditional Use Permits	Restaurant with extended hours
		Drive-through facility, large scale
Property Owner	Dink, Inc.	
Site Characteristics	Site/Building Area	0.8 acres/1,778 square feet
	Future Land Use Map	Commercial
	Zoning	C-C (Community Commercial)
	Neighborhood	South Bayview
	Character District	Suburban
Surrounding Area	North	C-C: Multi-family residential
	East	C-C: Wendy's restaurant
	South	C-C: Enterprise car rental, Salmich's café, Money Max payday lending and check cashing establishment
	West	C-C: CHKD thrift store



A. Summary of Request

- The site is located on the north side of E. Little Creek Road, west of Buffalo Avenue within the South Bayview neighborhood.
- This request would permit substantial improvements to an existing fast food restaurant with a commercial drive-through, and permit the restaurant to operate with extended hours.

B. Plan Consistency

The proposed Conditional Use Permits are consistent with *plaNorfolk2030*, which designates this site as Commercial.

C. Zoning Analysis

i. General

- A restaurant with extended hours of operation and a commercial drive-through is permitted in the C-C district by Conditional Use Permit.

	Proposed
Hours of Operation	10:00 a.m. until 3:00 a.m., Sunday through Thursday 10:00 a.m. until 4:00 a.m., Friday and Saturday

- The conceptual site plan submitted by the applicant and the attached conditions ensure compliance with all *Zoning Ordinance* requirements for a commercial drive-through (large scale).
- The existing building, with a drive-through window, was constructed in 1976, and has operated as a Long John Silver's restaurant, prior to the zoning requirement for a Conditional Use Permit to operate a commercial drive-through.
 - The drive-through operated as a legally-established nonconforming use (grandfathered use).
- The *Norfolk Zoning Ordinance* requires grandfathered uses to come into compliance with zoning requirements if the building is structurally altered, or if improvements are proposed to the structure in excess of 50% of the value of the structure.
 - The Long John Silver's restaurant ceased operation less than one year ago.
 - Rally's is proposing to operate a new restaurant; renovating the existing building.
 - The building is proposed to be structurally altered and improved by more than 50% of the structure's value.
 - A Conditional Use Permit is required in order to accommodate the request by bringing the nonconforming use into full compliance.
- The *Norfolk Zoning Ordinance* requires any proposed restaurant with hours past 11:00 p.m. in the Suburban Character District to obtain a Conditional Use Permit.

ii. Parking

- For a restaurant of this size located within the Suburban Character District, the *Zoning Ordinance* requires that the 1,778 square foot establishment provide a minimum of 12 parking spaces and sufficient room to accommodate one bicycle.
 - The proposed site plan meets all parking requirements.

iii. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- No new trips are forecast by the proposed replacement of the existing restaurant with drive-through on this site with another restaurant with drive-through.
- E. Little Creek Road adjacent to the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit services with Hampton Roads Transit bus route 21 (Little Creek) operating near the site.
- E. Little Creek Road adjacent to the site is not an identified priority corridor in *The City of Norfolk Bicycle and Pedestrian Strategic Plan*.

E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

F. Public Schools Impacts

N/A

G. Environmental Impacts

The proposed redevelopment will undergo the Site Plan Review process, which will require all site development to adhere to the regulations of the *Zoning Ordinance*, including landscaping and buffering, vehicular circulation, and stormwater management improvements.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- The site has residential exposure towards the rear of the site.
 - The conceptual site plan shows a median landscape buffer strip to be installed at a distance approximately 60-feet from the rear property line adjacent to the residential, in order to buffer the adjacent residential from the cars and other activity associated with the restaurant and drive-through.
- The existing three-foot sidewalk will be replaced with a standard-width sidewalk, meeting all ADA (American's with Disabilities Act) requirements.

- The nonconforming sign will be replaced with a conforming monument sign in a conforming location.
- As part of the landscape requirements, a hedge or wall will be installed between the drive-through lane and the public right-of-way in order to adequately shield queueing vehicles from the street.
- By requiring this use to conform to the conditions listed below, granting the Conditional Use Permit should not have a negative effect on the surrounding area, and the proposed revisions will provide additional screening and landscaping to the site.

G. Payment of Taxes

The owners of the property are current on all taxes.

H. Civic League

- Notice was sent to the South Bayview Civic League on July 11.
- An email of support from the South Bayview Civic League was previously received on June 15.

I. Communication Outreach/Notification

- Legal notice was posted on the property on July 10.
- Letters were mailed to all property owners within 300 feet of the property on July 11.
- Legal notification was placed in *The Virginian-Pilot* on August 9 and August 16.

J. Recommendation

Staff recommends that the Conditional Use Permits be **approved**, subject to the following conditions:

Commercial Drive-Through, large scale - Conditions

- (a) The site shall be developed generally in accordance with the conceptual site plan prepared by MSA, P.C., entitled "Concept Plan for Conditional Use Permit for Rally's Restaurant Store #4230," dated June 29, 2018, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the site plan review and building permit plan review processes.
- (b) The following improvements shall be constructed or installed on the site and no business license or certificate of occupancy shall be issued until these improvements have been fully implemented:
 - 1) A solid, opaque fence not less than eight (8) feet in height shall be installed and maintained in the required landscape buffer area located along the northern property line.
 - 2) If a dumpster is situated on the site, a dumpster enclosure shall be installed in a location that does not interfere with any existing required parking spaces, impede the

drive aisle, or located within any required buffer yard or setback, and conform with all of the requirements of section the *Zoning Ordinance of the City of Norfolk*, which includes a solid masonry enclosure to be installed.

- (c) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of the *Norfolk Zoning Ordinance*.
- (d) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (e) Notwithstanding any other regulations pertaining to temporary window signage within the *Norfolk Zoning Ordinance*, no less than 85% of the glass areas of the ground floor of the façade of the principal building shall be transparent as defined in the *Norfolk Zoning Ordinance*.
- (f) The use of temporary signs shall comply with the *Norfolk Zoning Ordinance*. The use of feather flags, pennants, and streamers is prohibited.
- (g) All bollards on the site shall be painted and maintained free of visible corrosion.
- (h) One bicycle parking space shall be provided on the site.
- (i) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
- (j) During all hours of operation, the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the conditional use permit so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (k) The property shall be kept in a clean and sanitary condition at all times.
- (l) The establishment shall maintain a current, active business license at all times while in operation.

Restaurant Operating with Extended Hours - Conditions

- (a) The operation of the principal use of restaurant must be conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the *Norfolk Zoning Ordinance* at the time of adoption of this ordinance.
- (b) The hours of operation for the establishment shall be limited to 10:00 a.m. until 3:00 a.m. the following morning, Sunday through Thursday, and from 10:00 a.m. until 4:00 a.m. the

following morning, Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

- (c) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the conditional use permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

Attachments

Conditional Use Permit Review Standards
Overview map
Location map
Zoning map
Applications
Survey
Site plan
Notification list of all property owners within 300 feet of the site
Notice to the South Bayview Civic League
Email of support – South Bayview Civic League

Proponents and Opponents

Proponents

Craig Leonard – applicant
1905 Benecia Drive
Virginia Beach, VA 23456

Lisa Murphy – representative, legal counsel
Wilcox & Savage, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, VA 23510

Greg Hayes – representative, engineer
MSA, P.C.
5032 Rouse Drive
Virginia Beach, VA 23462

Dahlia White – representative, architect
Ionic DeZign Studios, Inc.
293 Independence Boulevard, Bldg. 5, Suite 308
Virginia Beach, VA 23462

Brian C. Baker – representative, broker
The Katsias Co.
1512 Bay Point Drive
Virginia Beach, VA 23454

Bill Brewer – representative, property owner
Dink, Inc.
804 Newtown Road, Suite 103
Virginia Beach, VA 23462

Opponents

None

Form and Correctness Approved: *RAF*

By *[Signature]*

Office of the City Attorney

Contents Approved: *M.A.*

By *[Signature]*

DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 47,354

C-8
AN ORDINANCE GRANTING CONDITIONAL USE PERMITS AUTHORIZING A DRIVE-THROUGH FACILITY FOR "RALLY'S RESTAURANT" ON PROPERTY LOCATED AT 1366 EAST LITTLE CREEK ROAD.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That conditional use permits are hereby granted authorizing the operation of the following principal uses and accessory uses:

- (a) Restaurant operating after midnight (principal use)
- (b) Drive-Through Facility, Large Scale (accessory use)

Section 2:- That the full extent of the property or properties where the permit or permits described above are hereby made effective, upon the date set forth below, is described as follows:

Property fronts 144 feet, more or less, along the northern line of East Little Creek Road beginning 155 feet, more or less, from the western line of Buffalo Avenue and extending westwardly; premises numbered 1366 East Little Creek Road.

Section 3:- That the conditional use permits granted herein shall be subject to all of the general conditions set forth in section 2.4.8.D of the Norfolk Zoning Ordinance and all of the following additional conditions, requirements, and limitations:

- (a) The operation of the principal use of Restaurant operating after midnight must be conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the Norfolk Zoning Ordinance.
- (b) The operation of the accessory use of Drive-Through Facility, Large Scale, must be conducted in

accordance with the applicable performance standards that are set forth in section 4.3 of the Norfolk Zoning Ordinance.

- (c) The site shall be developed in accordance with the conceptual site plan prepared by MSA, P.C., entitled "Concept Plan for Conditional Use Permit for Rally's Restaurant Store #4230," dated June 29, 2018, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (d) The hours of operation for the establishment shall be limited to 10:00 a.m. until 3:00 a.m. the following morning, Sunday through Thursday, and from 10:00 a.m. until 4:00 a.m. the following morning on Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (e) The following improvements shall be constructed or installed on the site and no business license or certificate of occupancy shall be issued until these improvements have been fully implemented:
 - (1) A solid, opaque fence not less than eight (8) feet in height shall be installed and maintained in the required landscape buffer area located along the northern property line.
 - (2) If a dumpster is situated on the site, a dumpster enclosure shall be installed in a location that does not interfere with any existing required parking spaces, impede the drive aisle, or located within any required buffer yard or setback, and conform with all of the requirements of section the Zoning Ordinance of the City of Norfolk, which include a requirement to install a solid, masonry enclosure.
- (f) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of the Norfolk Zoning Ordinance.

- (g) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the conditional use permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (i) Notwithstanding any other regulations pertaining to temporary window signage within the Norfolk Zoning Ordinance, no less than 85% of the glass areas of the ground floor of the facade of the principal building shall be transparent as defined in the Norfolk Zoning Ordinance.
- (j) The use of temporary signs shall comply with the Norfolk Zoning Ordinance. The use of feather flags, pennants, and streamers is prohibited.
- (k) All bollards on the site shall be painted and maintained free of visible corrosion.
- (l) One bicycle parking space shall be provided on the site.
- (m) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
- (n) During all hours of operation, the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the conditional use permit so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (o) The property shall be kept in a clean and sanitary condition at all times.
- (p) The establishment shall maintain a current, active

business license at all times while in operation.

- (q) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

Section 4:- That the City Council hereby determines that the conditional use permit or permits granted herein comply with each of the standards set forth in section 2.4.8.C of the Norfolk Zoning Ordinance.

Section 5:- That, because the operation of this establishment in the manner proposed in the application requires the grant of more than one conditional use permit, the City Council finds that its operation is only appropriate at the location where it is being authorized when conducted in the manner proposed, as modified by the City Council; and that each permit should be subject to the same conditions, requirements and limitations in order to constrain the operation in a manner that adequately protects public health safety and welfare.

Section 6:- That this ordinance shall be in effect from the date of its adoption.

Adopted by Council September 11, 2018
Effective September 11, 2018

TRUE COPY
TESTE:

RICHARD ALLAN BULL, CITY CLERK

BY:

CHIEF DEPUTY CITY CLERK

2.4.8.C. CONDITIONAL USE PERMIT REVIEW STANDARDS

A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

- 1) Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable city-adopted plans;
- 2) Complies with all applicable zoning district-specific standards in Article 3. Zoning Districts;
- 3) Complies with all applicable use-specific standards in Article 4. Performance Standards;
- 4) Complies with all applicable development and design standards in Article 5. Development Standards;
- 5) Complies with all relevant subdivision and infrastructure standards in Chapter 42.5 of City Code;
- 6) Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed;
- 7) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;
- 8) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, night-time activity, and other site elements;
- 9) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- 10) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- 11) Is served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- 12) Maintains adequate parking, loading and other necessary facilities to serve the proposed use;
- 13) Will not substantially diminish or impair the value of the land within the neighborhood in which it is located.
- 14) Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various Conditional Use Permits of all types on the immediate neighborhood and the effect of the proposed type of Conditional Use Permit on the city as a whole;
- 15) Complies with all other relevant city, state and federal laws and standards; and
- 16) Is required by the public necessity, convenience, general welfare, or good zoning practice.

Location Map

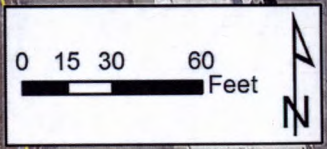
BI COUNTY ROAD

RALLY'S RESTAURANT

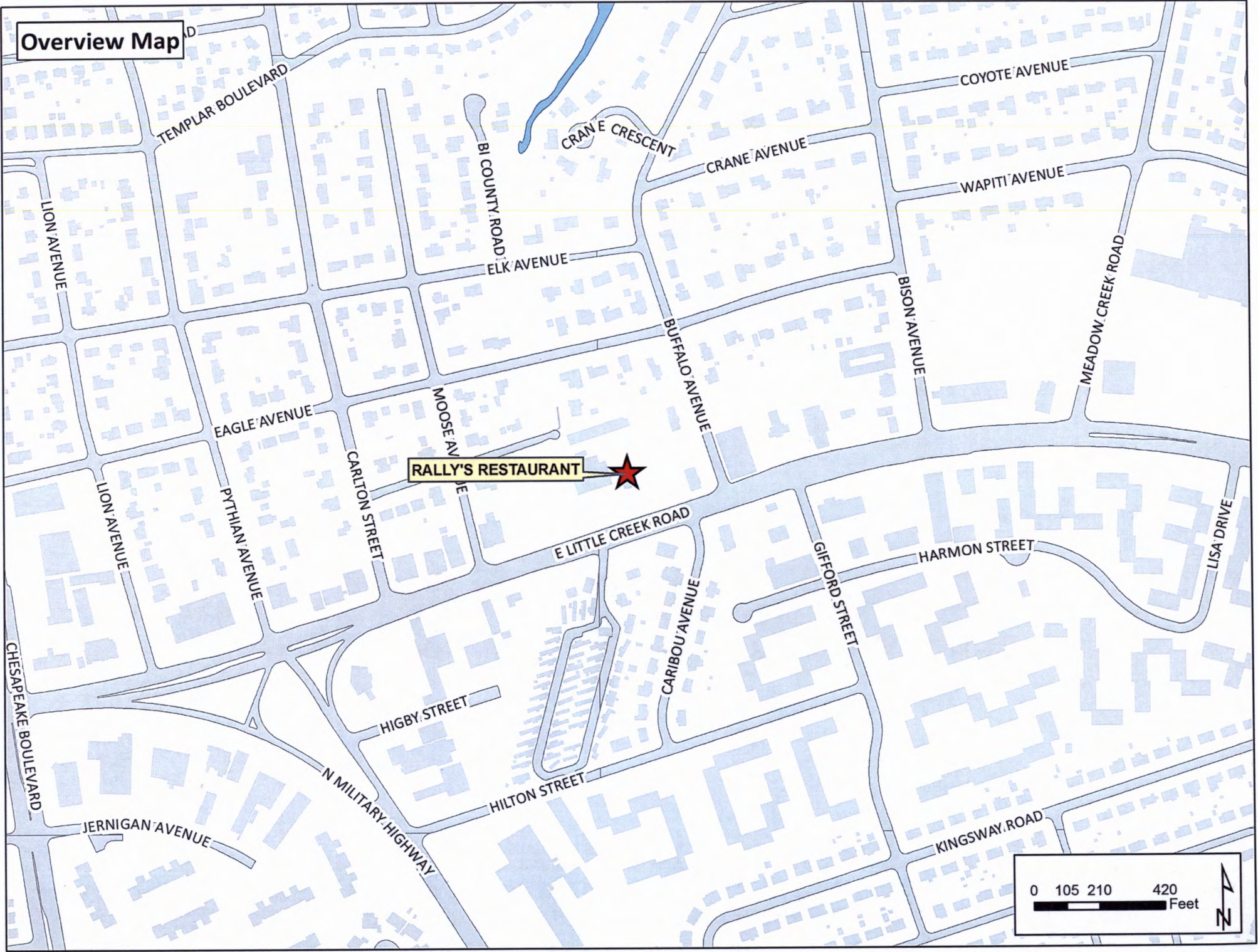
BUFFALO AVENUE

E LITTLE CREEK ROAD

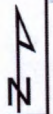
CARIBOU AVENUE

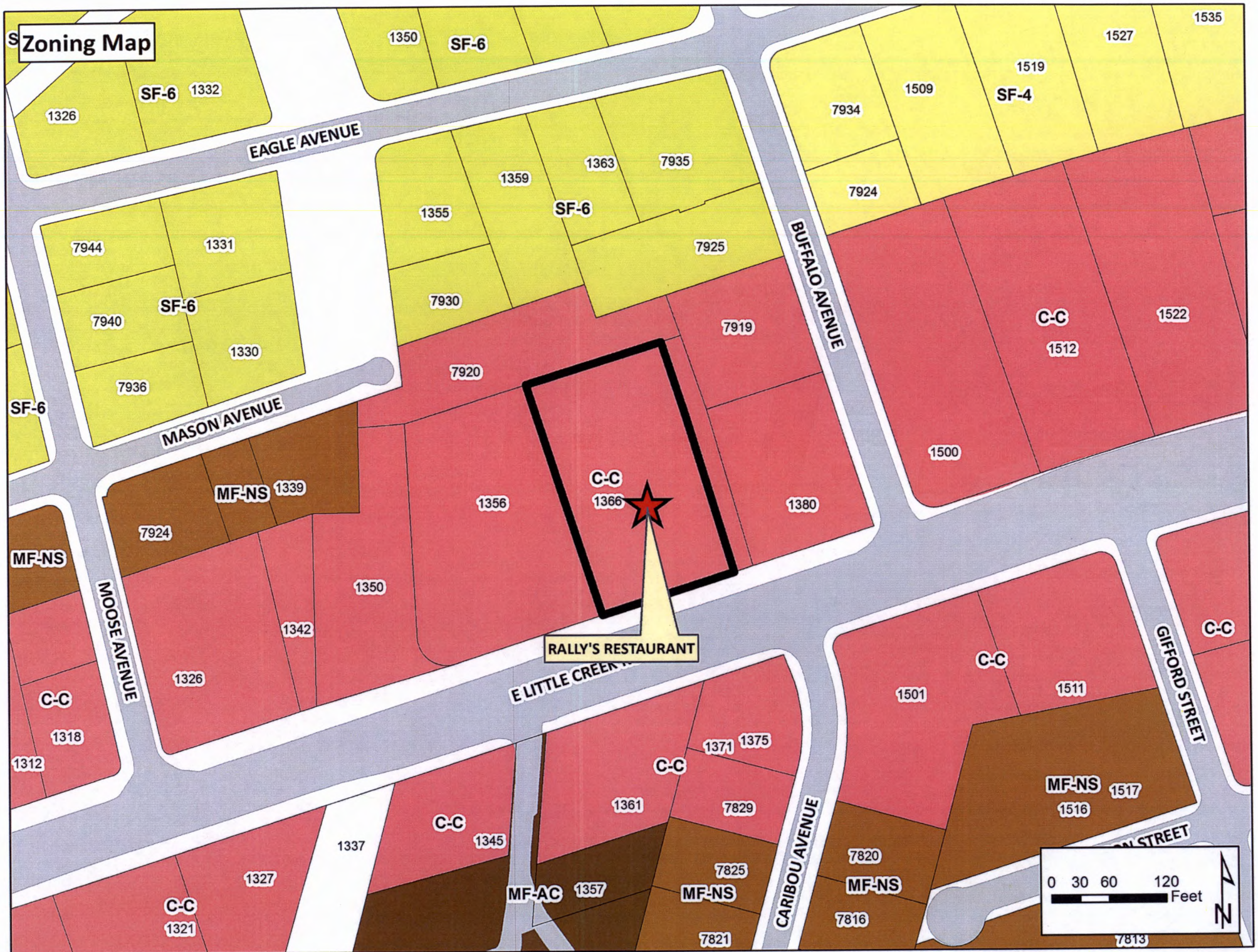


Overview Map



0 105 210 420 Feet







**APPLICATION
CONDITIONAL USE PERMIT
(Please print)**

Date June 29, 2018

DESCRIPTION OF PROPERTY

Address: 1366 E. Little Creek Road

Existing Use of Property: Restaurant with Drive-Thru

Proposed Use: Restaurant with Drive-Thru

Current Building Square Footage: 1,778 Proposed Building Square Footage: 1,778

Trade Name of Business (if applicable): Rally's Restaurant

APPLICANT*

1. Name of applicant: (Last) Leonard (First) Craig (MI) M.

Mailing address of applicant (Street/P.O. Box): 1905 Benecia Drive

(City): Va. Beach (State): VA (Zip Code): 23456

Daytime telephone number of applicant: () 757-427-0352

E-mail address: craigmleonard@yahoo.com

AUTHORIZED AGENT* (if applicable)

2. Name of applicant: (Last) Hayes (First) Greg (MI)

Mailing address of applicant (Street/P.O. Box): 5032 Rouse Drive

(City): Va. Beach (State): VA (Zip Code): 23462

Daytime telephone number of applicant: () 757-490-9264 Fax () 757-490-0634

E-mail address: greg.hayes@msaonline.com

Application
Conditional Use Permit
Page 2

PROPERTY OWNER*

Bill Brewer

3. Name of property owner: (Last) Dink, Inc. (First) Bill (MI) Brewer

Mailing address of property owner (Street/P.O. box): 804 Newtown Road, Suite 103

(City): Va. Beach (State): VA (Zip Code): 23462-1395

Daytime telephone number of owner: (757) 497-8761

E-mail address: wrb.brewer@gmail.com

*(If applicant/agent/property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

CIVIC LEAGUE INFORMATION

Civic League contact: South Bayview, Peggy Russell 757-587-6514

Date meeting attended/held: June 15, 2018

Ward/Super Ward information: WARD 5 / SUPERWARD 6

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Bill Brewer Sign: Bill BREWER 6/29/18
(Property Owner) (Date)

Print name: Craig Leonard Sign: Craig Leonard 6/29/18
(Applicant) (Date)

(If Applicable)

Print name: Gregory Hayes Sign: Gregory Hayes 6/29/18
(Authorized Agent Signature) (Date)



Description of Operations
Conditional Use Permit

Date: June 30, 2018

Trade name of business: Rally's Restaurant

Address of business: 1366 E. Little Creek Road

Name(s) of business owner(s)*: Craig Leonard - Mission Foods, Inc.

Name(s) of property owner(s)*: (DINK INC) Bill Brewer

Daytime telephone number () 757-427-0352

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

Proposed Hours of Operation:

Weekday From: 10 am To: 3 am

Friday From: 10 am To: 4 am

Saturday From: 10 am To: 4 am

Sunday From: 10 am To: 3 am

Signature of Applicant

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised September, 2015)



**Application
Conditional Use Permit
Extended Hours of Operation
(Please print)**

Date June 29, 2018

DESCRIPTION OF PROPERTY

Address: 1366 E. Little Creek Road

Existing Use of Property: Restaurant with Drive-Thru

Proposed Use: Restaurant with Drive-Thru

Current Building Square Footage: 1,778 Proposed Building Square Footage: 1,778

Trade Name of Business (if applicable): Rally's Restaurant

APPLICANT*

1. Name of applicant: (Last) Leonard (First) Craig (MI) —

Mailing address of applicant (Street/P.O. Box): 1905 Benecia Drive

(City): Va. Beach (State): VA (Zip Code): 23456

Daytime telephone number of applicant: () 757-427-0352

E-mail address: craigmleonard@yahoo.com

AUTHORIZED AGENT* (if applicable)

2. Name of applicant: (Last) Hayes (First) Greg (MI) —

Mailing address of applicant (Street/P.O. Box): 5032 Rouse Drive

(City): Va. Beach (State): VA (Zip Code): 23462

Daytime telephone number of applicant: () 757-490-9264 Fax () 757-490-0634

E-mail address: greg.hayes@msaonline.com

Application
Extended Hours of Operation
Page 2

PROPERTY OWNER*

Bill Brewer

3. Name of property owner: (Last) Dink, Inc. (First) _____ (MI) _____

Mailing address of property owner (Street/P.O. box): 804 Newtown Road, Suite 103

(City): Va. Beach (State): VA (Zip Code): 23462-1395

Daytime telephone number of owner: (571) 749-7861

E-mail address: ward.brewer@gmail.com

*(If applicant/agent/property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

CIVIC LEAGUE INFORMATION

Civic League contact: South Bayview, Peggy Russell 757-587-6514

Date meeting attended/held: June 15, 2018

Ward/Super Ward information: WARD 5 / SUPERWARD 6

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: (DINK INC) Bill Brewer Sign: *Bill Brewer* 6/29/18
(Property Owner) (Date)

Print name: Craig Leonard Sign: *Craig Leonard* 6/29/18
(Applicant) (Date)

(If Applicable)

Print name: Gregory Hayes Sign: *Gregory Hayes* 6/29/18
(Authorized Agent Signature) (Date)

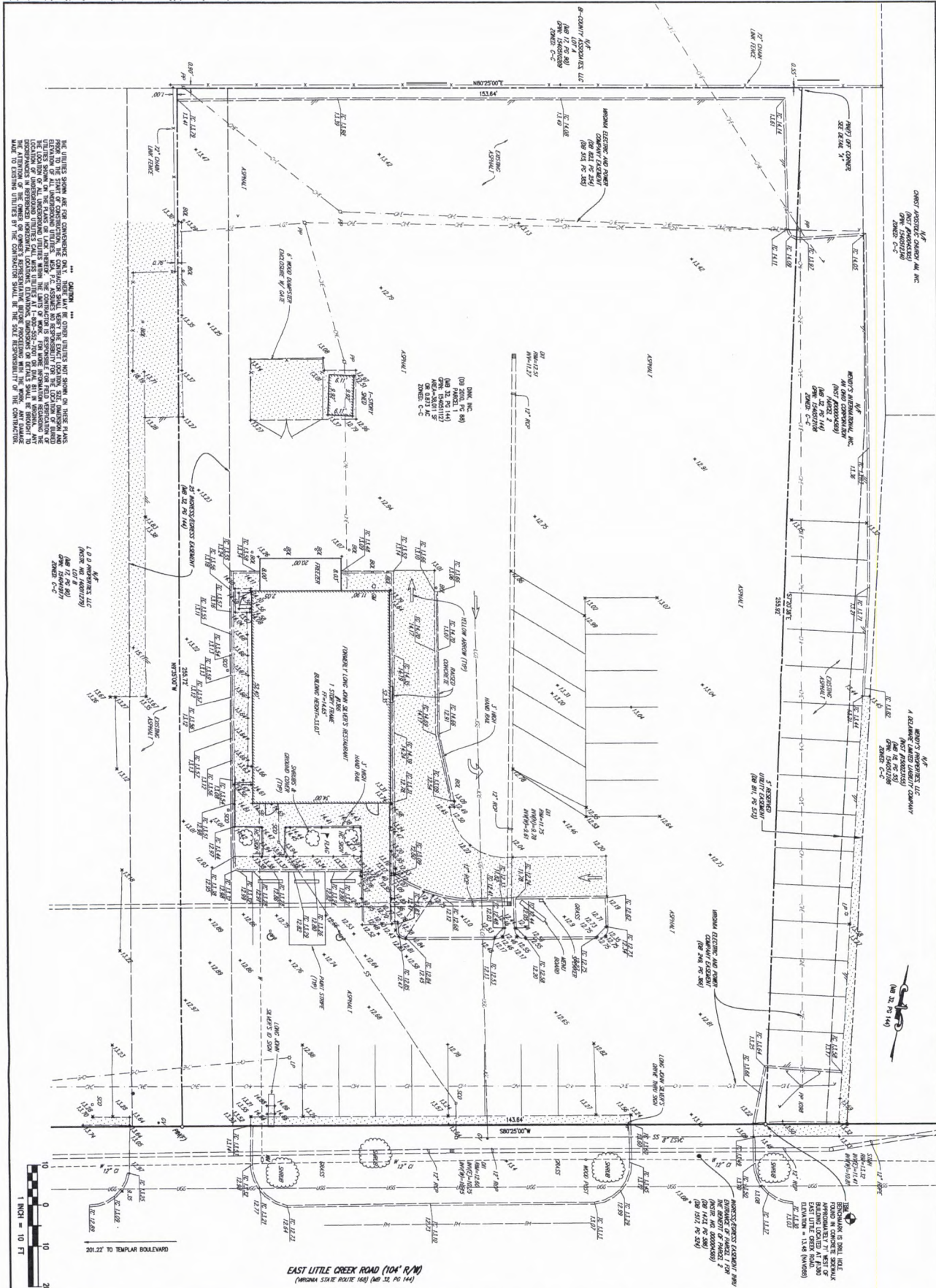



Mission Foods Inc. is the franchisee and operator of Rally's restaurants. Rally's restaurants were born out of the idea that a bland and flavorless burger was downright bad and that Americans everywhere deserved a better tasting burger — one that was unexpectedly bold, made-to-order and priced at a value that was hard to beat. Founded by experienced foodies with a renegade spirit, Rally's unique double drive-thru concept, with its over-the-top checkerboard squares, chrome styling, red neon signs and of course the food, was an instant hit. This new burger experience was hot, fresh and served with a smile. People were hooked, and the world of cookie cutter corporate burger establishments was about to change. Rally's Drive-In Restaurants, Inc. first fired up the grill and started cooking in 1985 in Louisville, Kentucky.

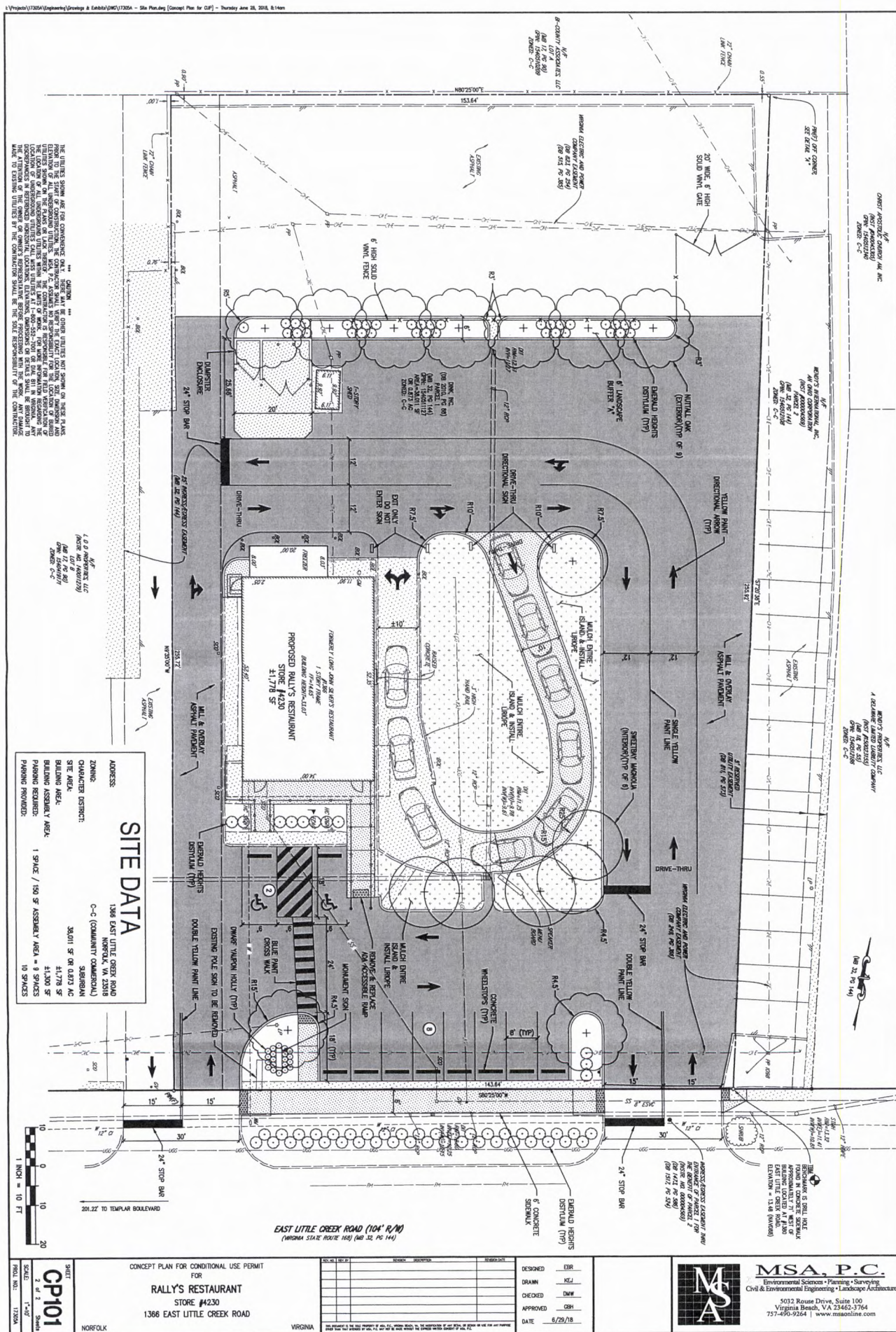
We currently operate two other locations in Norfolk.

- 2300 Azalea Garden Road
- 1208 Monticello Avenue

We anticipate hiring approximately 50 employees for our new location at 1366 E Little Creek Road. This new location will be different from our existing restaurants in that not only will it offer our traditional drive thru service but also feature an attractive dining room to allow guests to enjoy our craveable food inside as well.



SHEET V-101 1 of 3 173504		TOPOGRAPHIC & BOUNDARY SURVEY FOR RALLY'S RESTAURANT STORE #1230 1366 EAST LITTLE CREEK ROAD NORFOLK, VIRGINIA		DESIGNED: EBR DRAWN: KEJ CHECKED: DMW APPROVED: GRN DATE: 6/29/18	 MSA, P.C. Environmental Sciences • Planning • Surveying Civil & Environmental Engineering • Landscape Architecture 5032 Route Drive, Suite 100 Virginia Beach, VA 23462-3764 757-490-9264 www.msonline.com
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Rally's Little Creek-Notification sent to all Property Owners within 300ft

<u>Property Owners</u>	<u>Property Address</u>	<u>Mailing Address</u>		
Anflan Llc	1352 Whisper Dr	Virginia Beach	VA	23454-2058
Barnes, Russell C & Stephanie J	7930 Bi County Rd	Norfolk	VA	23518-3904
Bel-Aire Station, Llc	Po Box 730	Carrollton	VA	23314-0730
Bi-County Associates, Llc	1509 Watersedge Dr	Virginia Beach	VA	23452-6223
Bishop, Brian P Et Al	1355 Eagle Ave	Norfolk	VA	23518-3948
Christ Apostolic Church Am Inc	7919 Buffalo Av	Norfolk	VA	23518
Clear, David W & Elizabeth W	Po Box 9346	Warwick	RI	02889
Dink Inc	804 Newtown Rd Ste 103	Virginia Beach	VA	23462-1395
Edelblute, Adam E	1330 Mason Ave	Norfolk	VA	23518-3921
Elcr, Llc	6062 Indian River Rd Ste 104	Virginia Beach	VA	23464-3821
Erby, Michael K	7821 Caribou Ave	Norfolk	VA	23518-4001
Fifteen-O-One Company Lc	4036 Old Forge Rd	Virginia Beach	VA	23452
Filanowicz, Theo N & David W	1359 Eagle Ave	Norfolk	VA	23518-3948
Friedman, Stephen J & Sheila S	400 Farrell St	Norfolk	VA	23503-5304
Given, Joann Bradley Et Al	1849 Branchwood St	Norfolk	VA	23518-3121
Hogshire, Michael Edward Et Al	4468 Lookout Rd	Virginia Beach	VA	23455-
Kontodiakos, Nicholas E	1363 Eagle Ave	Norfolk	VA	23518-3948
L D D Properties, Llc	Po Box 16215	Chesapeake	VA	23328-6215
Marston, Bryan L Living Trust	629 George Washington Hwy S	Chesapeake	VA	23323-6343
Mc Donnell, Sheree & Sean	1331 Eagle Ave	Norfolk	VA	23518-3948
Mcap Legion Llc	Po Box 2064	Charlottesville	VA	22902-2064
Mgm Associates	2859 Virginia Beach Blvd Ste 106	Virginia Beach	VA	23452-7622
Nguyen, Thuy T	7924 Buffalo Ave	Norfolk	VA	23518-2923
Nowlin, Jeffrey T Et Al	7934 Buffalo Ave	Norfolk	VA	23518-2923
Payne, Cornell A	7925 Buffalo Ave	Norfolk	VA	23518-2922
Sej Asset Mgmt & Investment Co	1722 Routh St Ste 1000	Dallas	TX	75201-2504
Smith, Douglas J & Paricia A	5556 Hatteras Rd	Virginia Beach	VA	23462-3317
Tcs Leasing	1128 Cooke Ave	Norfolk	VA	23504
Wdr Properties, Llc	3536 E Little Creek Rd	Norfolk	VA	23518-3430
Wendy's International Inc	1155 Perimeter Ctr	Atlanta	GA	30338-5463
Wendy's Properties, Llc	1 Dave Thomas Blvd	Dublin	OH	43017-5452

Simons, Matthew

From: Williams, Sherri
Sent: Wednesday, July 11, 2018 3:19 PM
To: 'garland.russell@verizon.net'; 'paul_harrison@verizon.net'; 'seapiping@verizon.net'
Cc: Southall, Ryan N; Simons, Matthew; Smigiel, Thomas; McClellan, Andria
Subject: New Planning Commission Application- 1366 E. Little Creek Rd
Attachments: Applications + exhibits.pdf

Mr./Mrs.

Attached please find the following application tentatively scheduled to be heard at the August 23, 2018 Planning Commission public hearing:

RALLY'S RESTAURANT, for the following Conditional Use Permits at 1366 E. Little Creek Road:

- a. Restaurant operating after 11:00 pm.
- b. Drive-through facility, large-scale.

The purpose of this request is to allow for the restaurant to operate beyond 11:00 pm and to construct a new commercial drive-through.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank You

Sherri Williams
Planning Technician

Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
(757) 664-6771

Connect with us:
www.norfolk.gov





Greg Hayes <greg_121@msaonline.com>

Re: Application for Rally's

Craig Leonard <craigmleonard@yahoo.com>

Fri, Jun 15, 2018 at 4:26 PM

Reply-To: Craig Leonard <craigmleonard@yahoo.com>

To: Peggy & Garland Russell <garland.russell@verizon.net>

Cc: Greg Hayes <greg.hayes@msaonline.com>, Dahlia White <dwhite@ionicdesigns.com>

Peggy,

Wow you made my day! Perhaps made it my best father's day ever. Thanks for presenting our project and I appreciate your league's support.

Was there any concerns that we should be aware of or incorporate in our design?

Regards,

Craig MacDonald Leonard

CEO

Mission Foods, Inc.

1905 Benecia Drive

Virginia Beach, VA 23456

From: Peggy & Garland Russell <garland.russell@verizon.net>**To:** cleonard@missionfoods.us**Sent:** Friday, June 15, 2018 4:03 PM**Subject:** Application for Rally's

Mr. Leonard,

The South Bayview Civic League met last evening during which time we discussed your company's plans to open a Rally's Restaurant at 1366 East Little Creek Road. The 3 copies of the architectural plans were circulated so that everyone was able to see just what the building would look like. Your letter was read and there was some discussion. Following the discussion a motion was made that the civic league support your application. There were 30 members present and the vote was unanimous in support of your application.

We look forward to having your restaurant in our area.

Peggy Russell, President

South Bayview Civic League